

REMARKS

The polyphenylene ethynylene structures appearing in the specification and claims have been amended to replace the vertical lines with proper brackets. Support for the correct bracket placement may be found, for example, at the generic structure at the top of page 25 of the specification.

The Applicants have amended Claim 16 to recite the limitations of Claims 17 and 25. Support is found at Claims 16, 17 and 25 as originally filed. In so amending, the Applicants have also removed the phrase, “biotinylated bioconjugate” in favor of “biotinylated molecule”. The claim has also been amended to clarify the quencher, tether, and biotinylated fluorescent protein.

Dependent Claims 18-24, 27, 30, and 52 have been amended, which amendments find support in the claims and specification as originally filed.

Claim 31, which formerly depended from Claim 16, is now independent. The limitations of Claim 32 have also been incorporated into this claim.

New Claims 59-61 have been added. These dependent claims find support in the claims and specification as originally filed.

Claims 17, 25, 26, and 32 have been cancelled.

No new matter is believed to be added. Entry and favorable consideration are kindly requested. Upon entry of the amendments, Claims 1-16, 18-24, 27-31, and 33-61 are pending, of which Claims 16, 18-24, 27-31, 52, 55, and 58-61 will be active.

Objection to the Specification

The objection to the specification is overcome by amendment. The vertical lines in the structures have been replaced, where necessary, by brackets. This amendment is consistent with what is shown at page 25 of the specification.

Rejections Under 35 U.S.C. § 112

The Applicants acknowledge the rejections of Claims 16-32, 52, 55, and 58 under 35 U.S.C. § 112, second paragraph. These rejections are kindly traversed. Claims 17, 25, 26 and 32 have been cancelled. The remaining active claims no longer recite the terms, “free” or “bioconjugate”.

Claims 18, 19, 20, 52 and 58 have been corrected to render the rejections moot.

The hyphenation in “biotin-binding protein” is now consistent in the claims.

In view of the amendments, the Applicants kindly request that the rejections be withdrawn.

Rejections Under 35 U.S.C. § 102

The Applicants acknowledge the anticipation rejections of Claims 16-18, 20-24, 31, 52 and 55 over Feltus et al (Anal. Biochem.), Adamczyk et al (Org. Lett.), and Zarling et al (U.S. Pat. No. 6,537,829). These rejections are kindly traversed.

The Applicants note that Claims 25 and 32 were not rejected. The limitations of Claim 25 have been put into independent Claim 16, and the limitations of Claim 32 have been put into (now independent) Claim 31. As such, the anticipation rejections are unsustainable and should be withdrawn.


The Applicants kindly submit that the claims are not obvious over the cited references, were such a rejection contemplated by the Office.

Conclusion

The Applicants kindly request that the non-elected subject matter be rejoined with the allowable claims, and the Applicants would be happy to assist the Examiner and expedite any amendments necessary for such rejoinder. Otherwise, this application is ready for allowance. If any issues remain which the Examiner deems are best resolved through an interview, the Examiner is kindly invited to telephone the Applicants' undersigned counsel at the number below.

Respectfully submitted,

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